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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,638	07/30/1999	EIJI KAWAI	450127-02126	9709

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NEW YORK, NY 10151

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/364,638

Applicant(s)

KAWAI, EIJI

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Roskowski et al.*, patent number 5,624,316.
2. As per claims 21, 23, 31, and 33, *Roskowski* teaches an information processing apparatus (Fig.1) comprising:
 - a processor (CPU, 33, Fig.2) for executing a booting program to start up said information apparatus; and
 - a data store for storing first data (ROM, 20, Fig.2),
 - wherein said processor selectively uses said first data stored in said data store or second data stored in another data store (ROM, 28, Fig.2) according to said booting program to start up said information processing apparatus, said other data store being removebly connected (via smart card, 45, coupled to enhancer, 4, Figs. 1, 2) to said information processing apparatus.

3. *Roskowski* teaches wherein said processor executes a boot program from either a first data store, from an existing game cartridge, 1, Figs. 1, 2, or a second data store, from smart card and enhancer, Figs. 1, 2. The removable smart card/enhancer combined contains a booting program to start up said information processing apparatus. It would have been obvious to one of ordinary skill that *Roskowski* teaches wherein said processor selectively boots a start up program with a first or second data store wherein the second data store is removable. (Abstract, col. 5, lines 25-65-col. 6, lines 1-65, col. 8, lines 45-col.9,lines 1-4, col. 12, lines 58-col. 13, lines 1-17).

4. As per claim 27 and 37, *Roskowski* teaches a control logic for a) detecting an access to a patch address by the processor; b) logic for directing the processor to access an exception region in the second memory upon detection of the access to the patch address and; c) redirection logic for redirecting memory accesses by the processor from the first memory to the second memory for a plurality of memory access upon activation of the exception mode and redirecting memory accesses by the processor from the second memory to the first memory upon termination of the exception mode. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made that *Roskowski* teaches the logic of an establishing data communication with a plurality of data stores for storing data.

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5. As per claims 22, 28, 30, 32, 38, and 40, *Roskowski* teaches wherein said information processing apparatus further comprises a display, and said first data (from cartridge 1) and said second data store (smart card/ enhancer) are image data, (as it related to a particular video game), and wherein said processor selectively/sequentially displays an image from said first data or an image of said second data said display according to said booting program in starting up said information processing apparatus. (as it related to a particular video game inserted in the information processing apparatus)

6. As per claim 25, 35, *Roskowski* teaches wherein said processor displays an image of said first data (from cartridge 1) on said display in starting up said information processing apparatus when said recording medium (smart card/ enhancer) is not connected to said information processing apparatus, and said processor displays an image of said second data on said display in starting up said information processing apparatus when said recording medium is connected to said information processing apparatus. (col. 5, lines 25-65)

7. As per claims 26, 29, 36, and 39, *Roskowski* teaches wherein said second data is a portable electronic device removably connected to said information processing apparatus.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746,7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").


Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

December 13, 2002


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100